

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GARY ENGEL,

Plaintiff,

v.

ROBERT BUCHAN, et al.,

Defendants.

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Case No. 10 C 3288

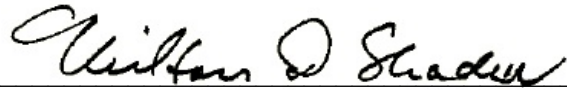
MEMORANDUM ORDER

When counsel for plaintiff advised that a substitution was contemplated, pursuant to Fed. R. Civ. P. ("Rule") 25(a)(1), naming as plaintiff a personal representative in place of the now-deceased Gary Engel, Government counsel surprisingly (at least to this Court) stated the possibility of opposing that motion. This Court immediately ordered counsel for defendant Robert Buchan -- Government counsel -- to provide citations to any caselaw that might conceivably justify any such opposition.

In response Government counsel backwatered by filing a statement that "[n]either the Government nor defendant Buchan anticipates opposing substitution motions made under the appropriate rule by a personal representative of Gary Engel." Then, in an obvious effort to save face in connection with counsel's earlier-indicated reservations on the subject, the Government cited to a wholly irrelevant district court ruling -- one in which (unlike this case) the entire case had been the subject of a final order that was then pending on appeal before our Court of Appeals, so that there had been a total loss of jurisdiction at the District Court level.

In any event, plaintiff's counsel has now served notice of presentment of the proposed

Rule 25 substitution motion. In doing so, counsel's notice of motion refers to the earlier backtracking by counsel for Buchan and the United States stating that they do not intend to oppose the motion. It will of course be granted without need for any appearance, and this Court trusts that in future the Government counsel will think before speaking to avoid the waste of time and effort that they caused here.

A handwritten signature in cursive script, reading "Milton I. Shadur", written in black ink.

Milton I. Shadur
Senior United States District Judge

Date: January 22, 2013